

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of RUSSWURM, *et al.* Confirmation No. 3945

Application No. 10/551,874 Examiner: Unassigned

Filed: September 30, 2005 Group Art Unit: 1645

Attorney Docket No. 9740-1 (3535-027)

For: METHOD FOR RECOGNIZING ACUTE GENERALIZED INFLAMMATORY  
CONDITIONS (SIRS), SEPSIS, SEPSIS-LIKE CONDITIONS AND SYSTEMIC  
INFECTIONS

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56, Applicants hereby notify the U.S. Patent Office of the documents which are listed on the attached form PTO/SB/08B.

Submission of the listed documents is not intended as an admission that such documents constitute prior art against the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove the listed documents as competent references against the present application.

The references were cited in the International Preliminary Report on Patentability ("IPRP") (copy enclosed) for related International Application No. PCT/EP2005/008969. International Application No. PCT/EP2006/060780 is concerned with a similar technology as is the instant application. International Application No. PCT/EP2005/008969 deals with the following:

...use of gene expression profiles obtained in vitro from patient samples for differentiating between the non-infectious and infectious causes of multiple organ failure. The invention also relates to a method for measuring gene expression profiles in vitro and to the use of said gene expression profiles and/or of the probes

used therein for screening active substances against the non-infectious and/or infections causes of multiple organ failure.

Applicant notes, the remaining references in the IPRP, not cited herein, were previously cited in an Information Disclosure Statement for the present application.

Applicants respectfully request that the listed documents be considered by the Examiner and made of record in the present application and that an initialed copy of form PTO/SB/08B be returned in accordance with MPEP §609.

Certification

This Statement is being filed prior to the issuance of the first Office Action for the present application. Additionally, it is hereby certified that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. This paper is thus submitted in accordance with 37 CFR 1.97(b).

In view of the above certification, a fee is not required for consideration of this document. Nevertheless, should a fee be deemed to be due by the Commissioner, such fee should be charged to Deposit Account No. 50-0951.

Respectfully submitted,

Dated: 7/18/07

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Docket No. 9740-1 (3535-027)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				Application Number	10/551,874
				Filing Date	9/30/2005
				First Named Inventor	RUSSWURM
				Art Unit	1645
				Examiner Name	Unassigned
Sheet	1	of	1	Attorney Docket Number	9740-1 (3535-027)

<b>NON PATENT LITERATURE DOCUMENTS</b>						
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T <sup>2</sup>
		KO, J.L., et al., "Molecular cloning and expression of a fungal immunomodulatory protein, FIP-1ve, from Flammulina...", J. of the Formosan Med Assoc. 96:7 517-524 (1997).				
		LIU, Z., et al., "Gene expression profiles in human nasal polyp tissues studied by means of DNA microarray," J. of Allergy and Clinical Immunology, 114: 4, 783-90 (2004).				
		DATABASE NETAFIX, "www.affymetrix.com/analysis/netaffx/probematch/probe_match.affx?netaffx=netaffx4_annot" (2006).				
		RIESEWIJK, et al., "Gene expression profiling of human endometrial receptivity on days LH+2 versus LH+7 by microarray technology," Mol Human Reprod, 9:5 253-264 (2003).				

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.